

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHANE D. SWEENEY,

Defendant.

)
)
)
)
)
)
)
)
)

8:13CR413

ORDER

This matter is before the court on the motion to continue by defendant Shane D. Sweeney (Sweeney) (Filing No. 24). Sweeney seeks a continuance of the trial of this matter which is scheduled for November 3, 2014, in order to complete a pretrial diversion program. Sweeney's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Sweeney's motion to continue trial (Filing No. 24) is granted.
2. Trial of this matter is re-scheduled for **April 6, 2015**, before Senior Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 23, 2014, and April 6, 2015**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that time is required for the defendant to complete a pretrial diversion program. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(2).

DATED this 23rd day of October, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge